

Date: March 6, 2007

Agenda Item No. 5(G)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County CommissionersFrom: George M. Borges
County ManagerSubject: Road Closing Petition P-830
Section: 15-54-40The Alley Located Between SW 38 Street and SW 39 Street, from SW 67 Avenue West
for Approximately 430 Feet; and that Portion of the Alley East of SW 68 Avenue, from
SW 38 Street South for Approximately 115 Feet
Commission District: 6

RECOMMENDATION

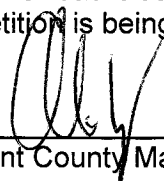
It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The Director of the Public Works Department (PWD) pursuant to the functions, powers and duties prescribed in Article XIV, Sec. 2-100 (a), (b) and (c) of the Code of Miami-Dade County Volume I, has taken the initiative to request that the BCC grant the closing of the alleys subject of this petition since this was a determination based in the interest of public safety. Said alleys have never been improved nor maintained by Miami-Dade County and presently there is a structure occupied by Cavalry Chapel towards the east end of the alley that runs east-west; therefore, traffic flow is impeded through this alley. This action will benefit the public by preventing illegal dumping and indiscriminate activities, without violating private property rights. The abutting property owners have been notified of said road closing and are in agreement.

The subject rights-of-way were dedicated in 1926, by the "AMENDED PLAT OF CENTRAL MIAMI PART THREE COMMERCIAL SECTION", recorded in Plat Book 25, Page 42, of the Public Records of Miami-Dade County, Florida. Said plat does not contain a reverter clause which stipulates that the right-of-way reverts to the current owners of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential District) and RU-3 (Four Unit Apartment District).

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$26 per square foot. Therefore, the estimated value of the rights-of-way would be approximately \$114,400. If these rights-of-way are closed and vacated, the taxable portions of rights-of-way will be placed on the tax roll, generating an estimated \$2,439 per year in additional property taxes. Since this road closing petition is being initiated, by the PWD, administrative fees do not apply. This petition is being sponsored by Commissioner Rebeca Sosa.


Assistant County ManagerDate 1/30/07
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Honorable Chairman Bruno Barreiro
and Members, Board of County Commissioners
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Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

A handwritten signature in black ink, appearing to read "Murray A. Greenberg", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 5(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (G)
03-06-07

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY BETWEEN SW 38 STREET AND SW 39 STREET, FROM SW 67 AVENUE WEST FOR APPROXIMATELY 430 FEET; AND THAT PORTION OF THE ALLEY EAST OF SW 68 AVENUE, FROM SW 38 STREET SOUTH FOR APPROXIMATELY 115 FEET (ROAD CLOSING PETITION NO. P-830)

WHEREAS, the County Commission held a public hearing to consider a petition to close the alley between SW 38 Street and SW 39 Street, from SW 67 Avenue West for approximately 430 feet; and that portion of the alley east of SW 68 Avenue, from SW 38 Street South for approximately 115 feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyways, streets or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that the land shall be retained as an easement for public utilities; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

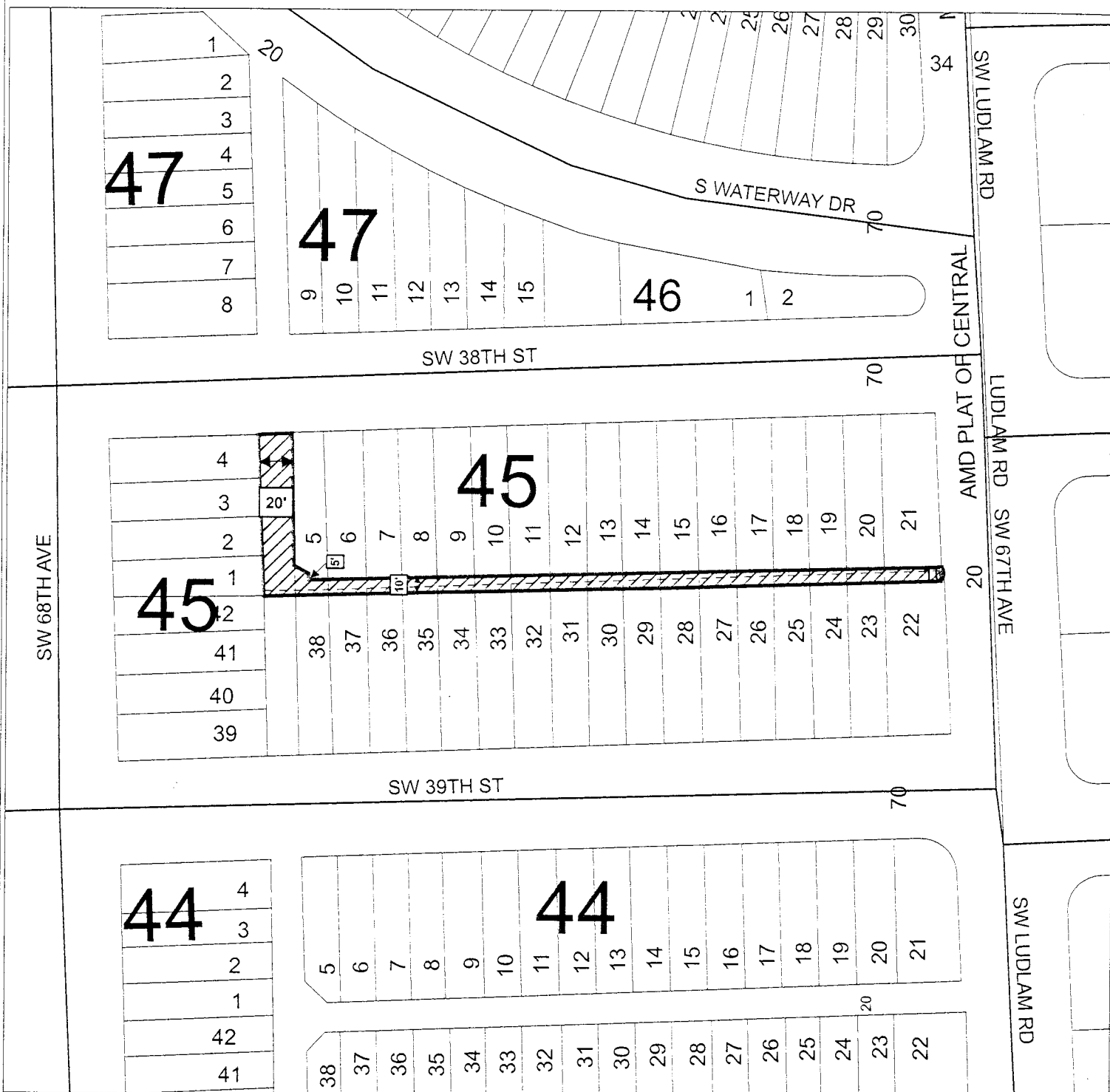
Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

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SECTION 14 TOWNSHIP 54 RANGE 40



P-830

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PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

The middle 10 feet of the 20 foot alley running in an easterly-westerly direction through Block 45 of AMENDED PLAT OF CENTRAL MIAMI, PART THREE COMMERCIAL SECTION, as per Plat Book 25, page 42, of the Public Records of Miami-Dade County, Florida, less the east 5 feet thereof;

And

That portion of the alley running in a northerly-southerly direction through said Block 45, from the westerly extension of a line 5 feet north of and parallel with the north line of Lots 22 through 38, inclusive, and including that portion of the alley southwesterly of Lot 5, of said Block 45, to the south right-of-way line of SW 38th Street, same being the north line of said block.

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2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

DEDICATED IN 1926 BY "AMENDED PLAT OF CENTRAL MIAMI PART THREE COMMERCIAL SECTION", AS RECORDED IN PLAT BOOK 25, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME

FOLIO NO.

ADDRESS

K. Hugel for City of Miami 3040140050540 6700 SW. 38th ST.

K. Hugel for City of Miami 3040140050530 6740 SW. 38th ST.

MARCEL CARDERO *[Signature]* 3040140050500 6744 SW. 38th ST.

[Signature] 3040140050490 6748 SW. 38th ST.

[Signature] 3040140050470 6758 SW. 38th ST.

JOSE LUIS CUNAS *[Signature]* 3040140050450 6770 SW. 38th ST.

K. Hugel for City of Miami 3040140050580 6737 SW. 39th ST.

[Signature] 3040140050600 6749 SW. 39th ST.

CONCEPCION CORTES *[Signature]* 3040140050620 6751 SW. 39th ST.

[Signature] 3040140050640 6765 SW. 39th ST.

[Signature] 3040140050650 6775 SW. 39th ST.

JOSE A. BOIX *[Signature]* 3040140050440 3801 SW. 68th AVE.

ANGELA LOPEZ *[Signature]* 304014005-0420 3819 SW. 68th AVE.

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

THE PORTION OF THE ALLEY TO BE CLOSED IS CURRENTLY FENCED BY MOST OF THE NEIGHBORS AND LOTS 15 TO 28 OF BLOCK 45 OF "AMENDED PLAT OF CENTRAL MIAMI, PART THREE COMMERCIAL SECTION", AS PER PLAT BOOK 25, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ARE OCCUPIED BY A BUILDING AND PARKING AREA, SAID BUILDING RESTS OVER THE ALLEY, MAKING IT INACCESSIBLE. IF THE PETITION IS GRANTED EACH OF THE ABUTTING PROPERTY OWNERS CAN LEGALLY HAVE ITS PORTION OF THE ALLEY AND INCLUDE IT TO THE LOT AREA.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

K. Hays for Culinary Chapel
of Dade County, Inc.
K. Hays for Culinary Chapel of
Dade County

6700 SW 38th ST

6740 SW 38th ST

6744 SW 38th ST

6748 SW 38th ST

6758 SW 38th ST

6770 SW 38th ST

6737 SW 39th ST

6749 SW 39th ST

6751 SW 39th ST

6765 SW 39th ST

6775 SW 39th ST

3801 SW 68th AVE

3819 SW 68th AVE

K. Hays for Culinary Chapel
of Dade County

Concepcion Ortiz

(DECEASED)

San Juan

Jose

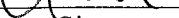
Angel

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared MARCEL CARDERO, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

statements therein contained are true.


(Signature of Petitioner)

5th day of June, 2000
James P. ...
 Notary Public State of Florida at Large

My Commission Expires:



SECTION 14 TOWNSHIP 54 RANGE 40



P-830

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Yazmin Moreno
Senior Cadastral Technician
August 14, 2006